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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/548,317

09/07/2005

Kazuaki Koie

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25944 7590 07/19/2010

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EXAMINER

PAYER, PAUL F

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

07/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/548,317 | Applicant(s) KOIE ET AL. | |
| | Examiner PAUL F. PAYER | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 22, 24, 26-28, 30, 32, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24, 26-28, 30, 32, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 6/29/2010 has been entered. Applicant cancels claims 25, 31, 33, 34, 38-40, amends claims 21, 27, 28, 30, 32 and adds new claims 41 and 42.

Response to Arguments

2. Applicant's arguments with respect to the **35 U.S.C, 103(a) rejection(s) for Claims 21** and 27 have been considered but are not persuasive.

The Examiner agrees with Applicants that Block and Raffel et al. do not disclose the characters and/or symbol representing the separation condition itself *being printed in ink on the labels* (while it can be argued that Block's end of line character used as the separating condition is printed on the label in the sense that a new line is generated preventing other characters from being printed on the same line, the printing does not involve using ink).

However, Block and Raffel et al.'s device can accomplish the same effect (printing of a character as the last character to be printed on a label) by replacing such printable character by two characters: the printable character (treated as non-separating) and the end of line character (treated as separating).

Applicants have not specifically pointed out the criticality of printing in ink the separating character and it appears that the Block and Raffel et al.'s device accomplishes all of the claimed features in essentially the same way as the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 21, 22, 24, 26-28, 30, 32, 41 and 42 are rejected under 35**

U.S.C. 103(a) as being unpatentable over Block (U.S. 2003/0143012) and Raffel et al. (U. S. 2002/0082892).

Regarding claim 21 (Amended) and claim 22 (dependent on claim 21,
Previously Presented), Block discloses a print control device employed for printing a character string including characters and/or symbols on a plurality of labels arranged on a long tape-like print medium along the length of the print medium (Figs. 1 and 6 and [0008], the print control device of Fig. 1 prints labels consisting of characters and symbols on a tape), comprising:

a character string memory which stores a character string to be printed ([0035]/lines 3-9, in one mode of operation, label data is stored in a file on the computer that controls the printing device);

a separating point detecting unit that detects one or more separating points in the character string stored in the character string memory based on a separation condition as a particular character string arrangement condition ([0037], the separation condition disclosed is the end of line character; the separating point detecting unit is implicit); and

a character string separating unit that lets character strings, obtained by separating the character string stored in the character string memory at the separating points detected by the separating point detecting unit, be separately printed on different labels on the print medium (Fig. 5, [0008] and [0078]).

Block does not disclose a separation condition memory and an alteration unit which alters memory contents of the separation condition memory.

Text in text files is commonly separated using a tab or a comma character as separators (see for example Schlank et al. (U.S. 6,134,017) column 11/lines 13-17).

Furthermore, the concept of flexibly configuring specific system operations such as importing data from a data source such as a text file is well known in the art. For example, Raffel et al. discloses a system whereas a system administrator configures an import templates to flexibly import data into a database ([0064]/lines 16-20, [0076]/lines 16-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used configurable import templates as taught by Raffel et al. with Block's print control device so that the device may be used with print character string data that may use different delimiting characters, such as commonly used comma or tab characters to indicate a separation condition.

It would also be common for the import templates configured by the administrator in Raffel et al.'s system to be stored in memory so that the configuration settings be preserved over a longer period of time and are not lost when the system is powered off.

Block and Raffel et al. do not disclose the characters and/or symbol representing the separation condition itself *being printed in ink on the labels* (while it can be argued that Block's end of line character used as the separating condition is printed on the label in the sense that a new line is generated preventing other characters from being printed on the same line, the printing does not involve using ink).

However, Block and Raffel et al.'s device can accomplish the same effect (printing of a character as the last character to be printed on a label) by replacing such printable character by two characters: the printable character (treated as non-separating) and the end of line character (treated as separating).

Applicants have not specifically pointed out the criticality of printing in ink the separating character and it appears that the Block and Raffel et al.'s device accomplishes all of the claimed features in essentially the same way as the claimed invention.

Regarding claim 24 (dependent on claim 21, Previously Presented) Block and Raffel et al. disclose the character string separating unit being capable of changing positions of the character strings, obtained by the separation at the separating points detected based on the separation condition, on the print medium (Block, Fig. 8/item T3, the print style of the character strings can change, which in general leads to the position of character strings changing as well).

Regarding claim 26 (dependent on claim 21, Previously Presented), Block and Raffel et al. disclose the separation condition in the character string being used exclusively for indicating the separating points in the character string and no character

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or symbol represented by the separation condition itself being printed on the labels (Block, [0067], the separator condition is a blank line; no extraneous blank lines are being printed on the labels).

Regarding claim 41(dependent on claim 21, New), Block and Raffel et al. disclose the character string separating unit further lets bar code symbols be separately printed on different labels on the print medium (Block, [0106]).

Claims 27, 28, 30, 32 and 42 are directed to a computer-readable storage medium that stores a computer executable program that executes the logic of method claims 21, 22, 24, 26 and 41 respectively. Block and Raffel et al. disclose such a computer-readable storage medium (Block, Fig. 3/item 104) and the claims are further rejected based on similar grounds as claims 21, 22, 24, 26 and 41.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL F. PAYER whose telephone number is (571) 270-7302. The examiner can normally be reached on Mon-Thu 6:15am-3:45pm, 2nd Fri of biweek 6:15am-2:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Q. Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benny Q Tieu/
Supervisory Patent Examiner, Art Unit 2625

/Paul F. Payer/
Examiner, Art Unit 2625